



Billing Code 3290-F9

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR-2019-0006]

Annual Review of Country Eligibility for Benefits under the African Growth and Opportunity Act

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of initiation of review, public hearing, and request for comments.

SUMMARY: The Office of the U.S. Trade Representative (USTR) is announcing the initiation of the annual review of the eligibility of the sub-Saharan African countries to receive the benefits of the African Growth and Opportunity Act (AGOA). The AGOA Implementation Subcommittee of the Trade Policy Staff Committee (Subcommittee) is developing recommendations for the President on AGOA country eligibility for calendar year 2020. The Subcommittee requests comments for this review and will conduct a public hearing on this matter.

DATES:

August 14, 2019 at noon EDT: Deadline for filing requests to appear at the August 27, 2019 public hearing, and for filing pre-hearing briefs, statements, or comments on sub-Saharan African countries' AGOA eligibility.

August 27, 2019: The Subcommittee will convene a public hearing at 10:00 am in Rooms 1 and 2, 1724 F Street NW, Washington DC 20508, to receive testimony related to sub-Saharan African countries' eligibility for AGOA benefits.

September 3, 2019: Deadline for filing post-hearing briefs, statements, or comments on this matter.

ADDRESSES: USTR strongly prefers electronic submissions made through the Federal Rulemaking Portal: <https://www.regulations.gov>, using docket number USTR-2019-0006. Follow the instructions for submitting comments in “Requirements for Submissions” below. For alternatives to on-line submissions, please contact Alan Treat, Deputy Assistant U.S. Trade Representative for Africa, at (202) 395-9514.

FOR FURTHER INFORMATION CONTACT: Please contact Alan Treat, Deputy Assistant U.S. Trade Representative for Africa, at (202) 395-9514.

SUPPLEMENTARY INFORMATION.

I. Background

AGOA (Title I of the Trade and Development Act of 2000, Pub. L. 106-200) (19 U.S.C. 2466a *et seq.*), as amended, authorizes the President to designate sub-Saharan African countries as beneficiaries eligible for duty-free treatment for certain additional products not included for duty-free treatment under the Generalized System of Preferences (GSP) (Title V of the Trade Act of 1974 (19 U.S.C. 2461 *et seq.*) (1974 Act), as well as for the preferential treatment for certain textile and apparel articles. The President may designate a country as a beneficiary sub-Saharan African country eligible for AGOA benefits if he determines that the country meets the eligibility criteria set forth in section 104 of AGOA (19 U.S.C. 3703) and section 502 of the 1974 Act (19 U.S.C. 2462).

Section 104 of AGOA includes requirements that the country has established or is making continual progress toward establishing, among other things:

- a market-based economy
- the rule of law

- political pluralism
- the right to due process
- the elimination of barriers to U.S. trade and investment
- economic policies to reduce poverty
- a system to combat corruption and bribery
- protection of internationally recognized worker rights

In addition, the country may not engage in activities that undermine U.S. national security or foreign policy interests or engage in gross violations of internationally recognized human rights. Section 502 of the 1974 Act provides for country eligibility criteria under GSP. For a complete list of the AGOA eligibility criteria and more information on the GSP criteria, see section 104 of the AGOA and section 502 of the 1974 Act.

Section 506A of the 1974 Act requires the President to monitor and annually review the progress of each sub-Saharan African country in meeting the foregoing eligibility criteria in order to determine if a beneficiary sub-Saharan African country should continue to be eligible, and if a sub-Saharan African country that currently is not a beneficiary, should be designated as a beneficiary. If the President determines that a beneficiary sub-Saharan African country is not making continual progress in meeting the eligibility requirements, the President must terminate the designation of the country as a beneficiary sub-Saharan African country. The President also may withdraw, suspend, or limit the application of duty-free treatment with respect to specific articles from a country if he determines that it would be more effective in promoting compliance with AGOA

eligibility requirements than terminating the designation of the country as a beneficiary sub-Saharan African country.

For 2019, the President designated the following 39 countries as beneficiary sub-Saharan African countries:

1. Angola
2. Benin
3. Botswana
4. Burkina Faso
5. Cabo Verde
6. Cameroon
7. Central African Republic
8. Chad
9. Comoros
10. Republic of Congo
11. Cote d'Ivoire
12. Djibouti
13. Eswatini
14. Ethiopia
15. Gabon
16. The Gambia
17. Ghana
18. Guinea
19. Guinea-Bissau
20. Kenya
21. Lesotho
22. Liberia
23. Madagascar
24. Malawi
25. Mali
26. Mauritius
27. Mozambique
28. Namibia
29. Niger
30. Nigeria
31. Rwanda (AGOA apparel benefits suspended effective July 31, 2018)
32. Sao Tome & Principe
33. Senegal
34. Sierra Leone
35. South Africa
36. Tanzania
37. Togo
38. Uganda

39. Zambia

The President did not designate following sub-Saharan African countries as beneficiary sub-Saharan African countries for 2019:

1. Burundi
2. Democratic Republic of Congo
3. Equatorial Guinea (graduated from GSP)
4. Eritrea
5. Mauritania
6. Seychelles (graduated from GSP)
7. Somalia
8. South Sudan
9. Sudan
10. Zimbabwe

The Subcommittee is seeking public comments to develop recommendations to the President in connection with the annual review of sub-Saharan African countries' eligibility for AGOA benefits. The Secretary of Labor may consider comments related to the child labor criteria to prepare the U.S. Department of Labor's report on child labor as required under section 504 of the 1974 Act.

II. Notice of Public Hearing

The Subcommittee will hold a hearing at 10:00 am on Tuesday, August 27, 2019, to receive testimony related to sub-Saharan African countries' eligibility for AGOA benefits. The hearing will be held in Rooms 1 and 2, 1724 F Street NW, Washington DC 20508, and will be open to the public and to the press. USTR will make a transcript of the hearing available on www.regulations.gov approximately two weeks after the hearing date.

USTR must receive your written requests to present oral testimony at the hearing and pre-hearing briefs, statements, or comments by noon on Wednesday, August 14, 2019. You must make the intent to testify notification in the "type comment" field under

docket number **USTR-2019-0006** on the www.regulations.gov website and you should include the name, address, telephone number and email address, if available, of the person presenting the testimony. You should attach a summary of the testimony by using the “upload file” field. The name of the file also should include who will be presenting the testimony. Remarks at the hearing will be limited to no more than five minutes to allow for questions from the Subcommittee. You should submit all documents in accordance with the instructions in section III below.

III. Requirements for Submissions

You must submit requests to testify, written comments, and pre-hearing and post-hearing briefs by the applicable deadlines set forth in this notice. You must make all submissions in English via <http://www.regulations.gov>, using Docket Number USTR-2019-0006. USTR will not accept hand-delivered submissions. To make a submission using <http://www.regulations.gov>, enter the appropriate docket number in the ‘search for’ field on the home page and click ‘search.’ The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting ‘notice’ under ‘document type’ in the ‘filter results by’ section on the left side of the screen and click on the link entitled ‘comment now.’ The [regulations.gov](http://www.regulations.gov) website offers the option of providing comments by filling in a ‘type comment’ field or by attaching a document using the ‘upload file(s)’ field. The Subcommittee prefers that you provide submissions in an attached document and note ‘see attached’ in the ‘type comment’ field on the online submission form. At the beginning of the submission, or on the first page (if an attachment) include the following text (in **bold** and underlined): (1) “2019 AGOA Eligibility Review”; (2) the relevant country or countries; and (3) whether

the document is a ‘written comment’, ‘notice of intent to testify,’ ‘pre-hearing brief,’ or ‘post-hearing brief.’ Submissions should not exceed thirty single-spaced, standard letter-size pages in twelve-point type, including attachments. Include any data attachments to the submission in the same file as the submission itself, and not as separate files.

You will receive a tracking number upon completion of the submission procedure at <http://www.regulations.gov>. The tracking number is confirmation that regulations.gov received the submission. Keep the confirmation for your records. USTR is not able to provide technical assistance for the website. USTR may not consider documents you do not submit in accordance with these instructions. If you are unable to provide submissions as requested, please contact Alan Treat, Deputy Assistant U.S. Trade Representative for Africa, at (202) 395-9514, to arrange for an alternative method of transmission. General information concerning USTR is available at www.ustr.gov.

IV. Business Confidential Submissions

If you ask USTR to treat information you submitted as business confidential information (BCI), you must certify that the information is business confidential and you would not customarily release it to the public. You must clearly designate BCI by marking the submission “BUSINESS CONFIDENTIAL” at the top and bottom of the cover page and each succeeding page, and indicating, via brackets, the specific information that is BCI. Additionally, you must include ‘Business Confidential’ in the ‘type comment’ field. For any submission containing BCI, you must separately submit a non-confidential version, *i.e.*, not as part of the same submission with the confidential version, indicating where BCI has been redacted. USTR will post the non-confidential version in the docket and it will be open to public inspection.

V. Public Viewing of Review Submissions

USTR will make public versions of all documents relating to these reviews available for public viewing pursuant to 15 CFR 2017.4, in Docket Number USTR-2019-0006 at <http://www.regulations.gov> upon completion of processing, usually within two weeks of the relevant due date or date of the submission.

VI. Petitions

At any time, any interested party may submit a petition to USTR with respect to whether a beneficiary sub-Saharan African country is meeting the AGOA eligibility requirements. An interested party may file a petition through www.regulations.gov, under docket number USTR-2019-0006.

Edward Gresser,
Chair of the Trade Policy Staff Committee,
Office of the United States Trade Representative.
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